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Follow-up to the Second World Assembly on Ageing

Report of the Secretary-General

Summary

The present report is submitted in response to General Assembly resolution 68/134, entitled "Follow-up to the Second World Assembly on Ageing". It focuses on two issues that have been singled out as critical to the well-being and human rights of older persons, namely, addressing age-based discrimination and neglect, and abuse and violence. The report provides updated information on recent major policy developments in the regions, publications and civil society initiatives. Conclusions and recommendations are presented in section V.

* A/69/150.



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 68/134, entitled "Follow-up to the Second World Assembly on Ageing". It focuses on two issues that have been singled out as critical to the well-being and human rights of older persons within the framework of both the second review and appraisal of the Madrid International Plan of Action on Ageing¹ and the working sessions of the Open-ended Working Group on Ageing, namely, addressing age-based discrimination and neglect, and abuse and violence.²

2. Section II of the report provides an account of the discussion of the issue of age-based discrimination at the first four working sessions of the Open-ended Working Group on Ageing held during the period 2011-2013. It describes the evolution of discussions on the centrality of age discrimination, and the related issue of ageism as a roadblock to the full implementation of the Madrid International Plan of Action on Ageing. The second part of the section summarizes the findings of the second review and appraisal of the Madrid International Plan of Action.³

3. In the wake of the growing attention to neglect and abuse of and violence against older women and as a response to General Assembly resolution 67/143, the Division for Social Policy and Development of the Department of Economic and Social Affairs, United Nations Secretariat, convened the Expert Group Meeting on Neglect, Abuse and Violence of Older Women in New York from 5 to 7 November 2013, and in 2013 issued the publication *Neglect, Abuse and Violence against Older Women*.⁴ Section II of the present report provides an overview of the conceptual, policy and societal challenges related to such neglect, abuse and violence, based on the recommendations of the experts and the current state of knowledge presented in the publication.

4. Section IV of the present report provides updated information on recent regional policy developments, publications and civil society initiatives. Conclusions and recommendations are presented in section V.

II. Age-based discrimination

A. Discussions of the Open-ended Working Group on Ageing

5. Over the past four years, recognition and discussion of the issue of age-based discrimination as an impediment to accelerated progress in the implementation of the Madrid International Plan of Action on Ageing has grown among Member States and civil society. In its first working session, the Open-ended Working Group on Ageing took stock of the existing international human rights framework, and noted that explicit reference to older persons or to age as a ground for impermissible discrimination was scarce. Only two binding international instruments make such

¹ *Report of the Second World Assembly on Ageing, Madrid, 8-12 April 2002* (United Nations publication, Sales No. E.02.IV.4), chap. I, resolution I, annex I.

² Other areas have been identified by the General Assembly in its resolutions 64/132, 65/182, 66/127, 67/139, 67/143 and 68/134.

³ See also A/64/127, A/65/158, A/66/173, A/67/188 and A/68/167.

⁴ United Nations publication ST/ESA/351.

references. The first is the Convention on the Rights of Persons with Disabilities,⁵ which makes reference to age-appropriate assistance to persons with disabilities in the prevention of discrimination and to increasing access of older persons with disabilities to social protection and poverty reduction programmes. The second is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,⁶ which, in article 7, includes age among the prohibited grounds for discrimination.

6. Several human rights treaties deal with the protection of older persons against discrimination on other grounds, or other status, along with open-ended categories intended to be illustrative and not exhaustive. Highly relevant provisions for the protection of human rights and older persons are included in some treaties, while a few set forth specific applicable standards based on generally recognized rights and principles.

7. In its general comment No. 6 (1995),⁷ the Committee on Economic, Social and Cultural Rights highlighted the need to address discrimination against unemployed older persons, older persons living in poverty and those with unequal access to universal old-age pensions owing to place of residence. Also, under article 26 of the International Covenant on Civil and Political Rights,⁸ the Human Rights Committee held the view that a distinction related to age that is not based on reasonable and objective criteria may amount to discrimination on the ground of other status.⁹

8. Discussions also highlighted that beyond the prohibition of discrimination on the ground of age, human rights mechanisms sometimes identify older persons as a vulnerable group that requires special measures of protection. For example, the Convention on the Rights of Persons with Disabilities recognizes particular situations in which older persons are vulnerable under article 16, which requires age-sensitive assistance and support for persons with disabilities and their families to prevent exploitation, violence and abuse.

9. At the second session of the Working Group, discussions widened to encompass forms of multiple discrimination. It was noted that, against the backdrop of scarce attention within the international human rights framework to discrimination based on age, reference to the forms of multiple discrimination suffered by some older persons was also lacking. Age is a factor that interacts with all forms of discrimination that individuals struggle with throughout their lives, inter alia, discrimination on the basis of sex, ethnicity, disability or health conditions, poverty, living in rural areas, and being divorced or widowed. In this interaction, age intensifies and aggravates existing disadvantages and conditions to create a distinct and compound dimension of discrimination. To date, the specific issue of forms of multiple discrimination in old age has only been addressed in general recommendation No. 27 of the Committee on the Elimination of Discrimination against Women (CEDAW/C/GC/27), which recognizes age as one of the grounds on which women suffer such discrimination.

⁵ United Nations, *Treaty Series*, vol. 2515, No. 44910.

⁶ *Ibid.*, vol. 2220, No. 39481.

⁷ *Official Records of the Economic and Social Council, 1995, Supplement No. 2 (E/1996/22)*, annex IV.

⁸ See General Assembly resolution 2200 A (XXI), annex.

⁹ Communication No. 983/2001, *Love et al. v. Australia*, Views adopted on 25 March 2003, para. 8.2.

10. The third session of the Working Group proved particularly fruitful; best practices were shared and consideration given to how to build on initiatives at the national, regional, interregional and international levels to address the main causes of protection gaps and age discrimination. Panellists from government and civil society organizations provided insights into the reality of the barriers that older persons face in the enjoyment of their human rights in Australia and Europe, particularly as regards employment, workers' compensation and issues of income protection. Experts from national human rights commissions in Africa attempted to address the specifics of the violations of human rights of older persons. With growing change in the social perception of older persons in Africa, their situation has been largely degraded, from one of being respected and serving as mediators in their communities, to experiencing increasing levels of violence and abuse. Alarming, growing reports of incidents of gang rape and murder of older women following accusations of witchcraft were highlighted. During the session, representatives of civil society organizations and networks cautioned that age discrimination and ageism were widely tolerated across the world and that older persons continued to be highly vulnerable to abuse, deprivation and exclusion.

11. At the fourth session of the Open-ended Working Group, attention was drawn to the fact that older persons today were in a similar position to that of persons with disabilities prior to the adoption of the Convention on the Rights of Persons with Disabilities. During the session, the non-discrimination clauses in existing human rights treaties were revisited and it was noted that the Convention might prove a helpful precedent. Much like older persons, persons with disabilities, prior to the adoption of the Convention on the Rights of Persons with Disabilities, were also widely considered to be fully protected under existing international human rights norms under the category "other status". The panel noted that the issuance of general comments and more frequent explicit reference to persons with disabilities¹⁰ had not led to more consistent protection of their rights. A report commissioned by the Office of the United Nations High Commissioner for Human Rights eight years after the issuance by the Committee on Economic, Social and Cultural Rights of general comment No. 5 revealed that only one half of the State reports to the Committee made reference to measures taken to integrate persons with disabilities and, in the absence of explicit articulation to prohibit disability-based discrimination, many harmful human rights violations continued to occur.¹¹

12. A search by keyword of the Universal Human Rights Index database in June 2014 revealed that references to older persons in observations made by the Committee on the Elimination of Discrimination against Women on the reports of State parties and, even more so by the Committee on Economic, Social and Cultural Rights during the period 2009-2013, remained scarce (see table 1). This search also exposed that issues of older persons were mentioned quite randomly, in low numbers, and even then were very context-specific. Under the Convention on the Elimination of All Forms of Discrimination against Women, older women were primarily referred to as one of several marginalized groups for which limited, if any, information and disaggregated data were available. References to specific issues

¹⁰ For example, general comment No. 5 of the Committee on Economic, Social and Cultural Rights and article 23 of the Convention on the Rights of the Child.

¹¹ *Human Rights and Disability: The Current Use and Future Potential of United Nations Human Rights Instruments in the Context of Disability* (United Nations publication, Sales No. E.02.XIV.6).

include gender-biased pension rights, victims of accusations of witchcraft, denial of rights and discrimination against widows and, recently, the effects of budget austerity. The handful of observations made by the Committee on Economic, Social and Cultural Rights in reference to older persons are generally blanket references to older persons as part of a vulnerable group needing social and/or economic assistance.

Table 1

Occurrences of references to old age in observations made by the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights during the period 2009-2013

<i>Treaty body</i>	<i>Year</i>	<i>Number of occurrences</i>
Committee on the Elimination of Discrimination against Women	2009	8
	2010	21
	2011	14
	2012	6
	2013	14
Committee on Economic, Social and Cultural Rights	2009	2
	2010	4
	2011	4
	2012	4
	2013	8

Source: Universal Human Rights Index database (<http://uhri.ohchr.org>); accessed on 10 June 2014.

13. Discussion of discrimination during the fourth session of the Working Group focused on the fact that discriminatory practices arose from prejudicial attitudes towards older persons. One panellist suggested that successfully combating age-based discrimination would rest on addressing ageism and changing the social mindset about ageing and older persons. Civil society representatives noted that ageism manifested itself in both individual and institutional behaviours and decisions that had a significant negative impact on the lives of older persons, contributing to the marginalization and social exclusion of older persons.

B. Second review and appraisal of the Madrid International Plan of Action on Ageing

14. The report of the Secretary-General to the Commission for Social Development at its fifty-second session (E/CN.5/2014/4) on the further appraisal of the Madrid International Plan of Action highlighted the view that progress in

fighting sectorial age discrimination would be limited as long as ageism was not recognized and addressed.

15. Countries members of the Economic Commission for Europe reported the importance of ensuring equal treatment and non-discrimination based on age in employment, while those at the Economic and Social Commission for Asia and the Pacific revealed that age discrimination was one of the main obstacles that impeded older persons in gaining and retaining jobs. Members of the Economic Commission for Africa identified age discrimination as one of the major human rights challenges to older persons in the region, while members of the Economic and Social Commission for Western Asia, at their second regional review meeting, recommended the establishment of mechanisms to protect older persons from all forms of discrimination. States members of the Economic Commission for Latin America and the Caribbean, on the other hand, adopted a more systematic approach to addressing discrimination by putting forward an age equality agenda.

16. Against such a background, the Commission for Social Development, at its fifty-second session, adopted a resolution in which it was recognized for the first time that ageism was a widely prevalent and prejudicial attitude that might rest on the assumption that neglect of and discrimination against older persons was acceptable, and that it was the common source of, the justification for and the driving force behind age discrimination.¹²

17. Following the conclusion of the second review and appraisal of the Madrid International Plan of Action on Ageing, it was noted that, while national legislative action against age discrimination had largely focused on the workplace, there was nevertheless a growing body of evidence that old-age discrimination was prevalent beyond the realm of employment (see A/65/157, A/67/188, A/68/167 and E/CN.5/2014/4). Older persons suffered from discrimination in other key development areas such as health, education, access to insurance and financial services. Also highlighted were challenges to the implementation of existing policy, and pioneer legislative responses such as the United States Age Discrimination in Employment Act of 1967 and European Union Directive 2000/78/EC.

18. While recent estimates confirm a steady increase in labour force participation rates of older men and women aged between 55 and 64 years in Europe, Australia, New Zealand and North America, older workers continue to face obstacles in obtaining and retaining jobs. They often suffer from discriminatory attitudes in recruitment and the workplace, and are sometimes confronted with age thresholds that apply to compensation, income insurance and essential professional licensing. Older persons also suffer from discrimination in access to health-care services that are appropriate, affordable and of good quality. There continues to be a lack of age-friendly health-care guiding principles that build on increased life expectancy and emerging disease patterns and that also include effective monitoring and accountability mechanisms. Preconceived notions and negative attitudes of some medical staff and caregivers towards older persons contribute to an ageist approach to patient assessment, diagnosis and treatment options.

19. While discussion of age-related discrimination across the world has increased, there continues to be no legal protection for equality and non-discrimination on the

¹² *Official Records of the Economic and Social Council, 2014, Supplement No. 6 (E/2014/26), chap. I, sect. B, draft resolution V.*

basis of age beyond employment and occupation, as documented in the report of the Secretary-General to the General Assembly at its sixty-seventh session (A/67/188). Access to insurance and financial services has only recently received attention at the decision-making level, despite persistent age limits in access to bank loans, mortgages, complementary health insurance and travel insurance. In some instances, excess surcharges and cancellation penalties are applied to travellers aged 65 years and over. While numerous cases of age discrimination in these areas abound, examples of best practice have been identified in Sweden, where protection against age discrimination was strengthened in the areas of social protection, health care, access to goods and services and working life through the Swedish Discrimination Act in 2013. Similarly, the United Kingdom of Great Britain and Northern Ireland has banned unjustifiable age discrimination in the provision of goods and services as of October 2012 under the 2010 Equality Act, and age limits to accessing complementary health insurance have been lifted in Slovenia, Spain and the United Kingdom. In less developed countries, age discrimination in accessing financial services is a widespread reality. Older persons, who are predominantly engaged in the informal and rural sectors, are excluded from access to small business loans and microfinance services because of their age. Such practices adversely affect the rights of older persons to decent housing and income security. Older women are especially vulnerable, given the additional hurdle of discriminatory gender-based laws and customs that apply to property and inheritance.

20. Whereas there is agreement among Member States on the need to promote and protect the rights of older persons, recognition of the need to clearly articulate the notion of age discrimination at the national level is lagging. The invisibility and lack of explicit reference to discrimination on the basis of age in national policies and legislation have a detrimental effect on efforts to ensure consistent protection of the rights of older persons, a fact explicitly recognized by the Council of Europe in recommendation CM/Rec(2014)2 of the Committee of Ministers, concerning the promotion of the human rights of older persons.

21. The above-mentioned recommendation, albeit non-binding, is the first European instrument that deals specifically with the human rights of older persons.

III. Neglect, abuse and violence against older women

22. In 2012, the second review and appraisal of the Madrid International Plan of Action showed that abuse and violence against older persons had become a growing concern for Member States in all regions, regardless of their level of development (A/68/167). The findings drew specific attention to the abuse and violence directed at older women accused of witchcraft in a number of African and some Asian countries, as well as the financial abuse faced by women in terms of lacking assets owing to discriminatory property and inheritance law.

23. In the wake of the growing attention to these issues, the Division for Social Policy and Development of the Department of Economic and Social Affairs, pursuant to General Assembly resolution 67/143, organized the Expert Group Meeting on Neglect, Abuse and Violence of Older Women, which was held from 5 to 7 November 2013, and in 2013 issued the publication *Neglect, Abuse and Violence against Older Women*.⁴

24. The Expert Group Meeting focused on the conceptual, policy and societal challenges related to neglect, abuse and violence against older women. Recommendations provided by the experts stressed the need for an informed and comprehensive response to the problem by enhancing research; clarifying what constitutes neglect, violence and abuse of older women; achieving a clearer understanding of the risk factors; adopting a women-centred approach to prevention and protection efforts; and increasing awareness-raising initiatives at the global, regional, national and community levels.

25. The above-mentioned publication, *Neglect, Abuse and Violence against Older Women*, presents an overview of the current state of knowledge of the main forms of abuse, the risk factors and the consequences for health, and discusses the prevalence of the different forms of abuse and the sources of data. It also gives an account of some of the main preventive measures for addressing such neglect, violence and abuse.

26. It is critical to view the abuse of older women not just within the context of the demographics of ageing where women outnumber men, but in the context of a life-course of discrimination, oppression and abuse. Violence against women is rooted in historical and structural inequality in power relations between women and men and occurs in every country, and gender-based violence is a form of discrimination that violates and impairs or nullifies the enjoyment by women of all human rights and fundamental freedoms.¹³ However, neglect and abuse of, and violence against, older women are often not acknowledged or recognized.

27. Neglect, abuse and violence against older women often go undetected. The issue is still a hidden problem owing to various factors, such as underreporting and the refusal of societies to admit the existence of such mistreatment. As a consequence, there is limited knowledge of its actual extent.¹⁴

A. Breadth of the issues covered under neglect, abuse and violence

28. The main forms of mistreatment of older persons include neglect, physical abuse, sexual abuse, psychological/emotional abuse, verbal and non-physical abuse, and financial abuse or exploitation.¹⁵

29. Neglect is the failure to meet an older individual's needs by: (a) not providing adequate food, clean clothing, a safe and comfortable place to live, good health care and personal hygiene; (b) denying the person social contact; (c) not providing assistive devices, if needed; and (d) failing to prevent physical harm and to provide needed support. Neglect can also be associated with confinement and inappropriately heavy use of medication. Indicators of neglect include a range of physical symptoms of poor well-being.

30. Physical abuse refers to single acts that may be repetitive, or to enduring acts of such abuse. Enduring acts include inappropriate restraint or confinement, which

¹³ Paragraph 10 of the agreed conclusions of the fifty-seventh session of the Commission on the Status of Women (*Official Records of the Economic and Social Council, 2013, Supplement No. 7 (E/2013/27)*, chap. I, sect. A).

¹⁴ Economic Commission for Europe, *Policy Brief on Ageing No. 14*, October 2013.

¹⁵ See the report of the Secretary-General entitled "Abuse of older persons: recognizing and responding to abuse of older persons in a global context" (E/CN.5/2002/PC/2) and *Neglect, Abuse and Violence against Women* (United Nations publication ST/ESA/351).

cause pain or bodily harm. The consequences of physical abuse include physical indicators of abuse and visible psychological manifestations, such as diminished mobility, confusion and other altered behaviour.

31. Sexual abuse is non-consensual sexual contact that ranges from indecent assault and sexual harassment by caretakers to violent rape.

32. Psychological abuse represents the largest category of abuse against older persons and ranges from denigrating comments to controlling behaviour by the perpetrator, leading to diminished identity, dignity and self-worth. Indicators of psychological abuse can include severe psychological manifestations, including fear, a poor ability to make decisions, apathy, withdrawal and depression.

33. Financial abuse includes, among others, the misuse or use of money or property without knowledge or consent and to the disadvantage of a person; health-care fraud; forging or forcing signatures; abuse of power of attorney; misappropriation of funds from pensions; reverse mortgage fraud; and identity theft.

34. Self-neglect does not involve a perpetrator but refers to older persons who, wilfully or inadvertently, owing to diminished capacity or mental impairment, neglect to meet their own basic needs and often refuse the assistance offered by others.

35. Studies indicate that more women than men are victims of neglect, abuse and violence. Research into crimes of maltreatment against older people within the family carried out in 10 European countries suggests that women constitute 60 to 75 per cent of victims.¹⁶

36. Perpetrators of violence and abuse against older persons are often family members, friends and acquaintances and/or individuals who are emotionally or financially dependent on the victim. Abusers can also include strangers who prey on older persons or commercial organizations that defraud older clients.

37. Abuse occurs in different settings, such as domestic settings, nursing homes, social care institutions, hospitals, medical centres, home-care services and prisons, as well as in everyday life situations.

38. Domestic abuse entails abuse by a family member, frequently the primary caregiver. Experts agree that domestic abuse is largely hidden, is not easily recognized and is significantly underreported. Institutional abuse of all forms has long been associated with long-term institutional care. The deficiencies of a care system, including poorly trained and overworked staff, poor resident management, such as excessive regimentation or overprotection, and dilapidated facilities, can render interaction between staff and residents difficult, which can result in abusive, neglectful and exploitative behaviours.

B. Care settings

39. A substantial part of neglect, abuse and violence occurs in formal care settings. Incidents of physical, emotional, sexual and financial abuse identified include the use of restraints, forced locking of doors, social isolation and separation, inadequate

¹⁶ World Health Organization (WHO) Regional Office for Europe, *European Report on Preventing Elder Maltreatment* (Copenhagen, 2011). Available at www.euro.who.int/en/health-topics/Life-stages/healthy-ageing/publications/2011/european-report-on-preventing-elder-maltreatment.

standards and service delivery, covert or inappropriate use of medication, malnutrition, and lack of proportionality with regard to autonomy and harm minimization.¹⁷

40. Member States have pursued a variety of legislative, policy and programmatic approaches that address or partly address, if at all, various types of neglect, abuse and violence. While a number of countries have taken steps towards broadening the scope of existing programmes and legislation aimed at protection from violence to explicitly address abuse in domestic settings, progress towards protection from neglect, violence and abuse in care facilities has been very uneven. Such care facilities are, by and large, subject to limited, if any, oversight in terms of standards of quality of care and the rights of older persons.

41. In some countries, awareness of abuse of older persons and changing social policy have led to the enactments of new legislation to criminalize the abuse of older persons. Mechanisms may include the adoption of charters of rights and responsibilities of residents and care and/or service providers. However, in countries in which legislation to protect older persons from abuse exists, application of the legislation is far from being systematic.¹⁶

C. Fragmented approaches, gender, and cultural and societal contexts

42. The impact of neglect, abuse and violence on victims is severe, ranging from a deterioration of conditions of general health, long-lasting emotional consequences and the threat to life in cases of failure to provide for such basic needs as medication, nutrition and heating. These considerations represent a multiplicity of the forms and consequences of violence against older women. The problem is one of social, public health and human rights issues and therefore requires multifaceted strategies.

43. Notwithstanding efforts to address abuse, violence and neglect, approaches to combat the problem remain fragmented across regions and Member States. There is no theoretical framework for defining the phenomenon. The majority of academic research has been conducted in developed countries and no agreement on terminology and meanings has so far been reached. The perceptions and opinions of older persons are crucial in defining abuse, its identification and means of intervention. For a long time, elder abuse theories have ignored the views and perceptions of older persons themselves. Furthermore, existing definitions and approaches are largely gender-blind, which may explain the lack of attention to older women when addressing violence against women.

44. Neglect, abuse and violence have cultural, ethnic and religious dimensions. The definitions and approaches, however, are often detached from the cultural context. In some societies, older widows are subject to abandonment, property grabbing, sexual violence, forced marriages and accusations of witchcraft.¹⁸ Some

¹⁷ See, for example, Kieren Fitzpatrick, "Violence and abuse against older persons", presentation made at the second session of the Open-ended Working Group on Ageing, 1-4 August 2011. Available from <http://social.un.org/ageing-working-group/secpanelstatement.shtml>.

¹⁸ WHO and International Network for the Prevention of Elder Abuse, *Missing Voices: Views of Older Persons on Elder Abuse* (Geneva, WHO, 2002). Available at http://whqlibdoc.who.int/hq/2002/WHO_NMH_VIP_02.1.pdf?ua=1.

of these harmful practices were reported to occur in a number of Member States in Africa and Asia. Accusations of witchcraft, used as an excuse to justify extreme violence against older women, were reported to have taken place in other African countries and in some Member States in Asia.¹⁹ Civil society organizations report that such accusations are used to justify extreme violence against older women in 41 countries. Acts of violence, as well as customs embedded in social structures, need to be considered in the broad context of elder abuse and a human rights approach.

D. Lack of data: the age definition conundrum

45. Comprehensive national and international data on older women's experiences of neglect, violence and abuse are essential for both the development and monitoring of evidence-based policies to combat the issue and for measuring the effectiveness of current legislation, policy interventions and interventions by practitioners. Most studies on violence against women survey only women under the age of 50 years, omitting older women altogether.²⁰ Studies that are based on disaggregated data by age and gender use a wide diversity of definitions of older age, starting as low as 30 years of age, to 40 or 45, 50 or 55, and up to 65 or 66 years. A recent study by the European Union Agency for Fundamental Rights²¹ excluded women older than 74 from interviews and limited the scope of research to domestic violence.

46. This situation is a reflection of the lack of an agreed definition of what constitutes violence against older women and, hence, lack of technical recommendations for data collection, particularly in the context of mainstream collection of data on violence against women.

E. Underreporting and patterns of reporting

47. Research suggests that incidents of neglect, abuse and violence remain significantly underreported by the victims, by as much as 80 per cent according to WHO.²² Mention of neglect, violence and abuse is avoided by many older women out of fear of exposing a perpetrator or a family member, losing services or being placed in a nursing home against their will. Other factors that cause underreporting by victims are low confidence; absence of a confidante; financial, physical or psychological dependence on the abuser; and fear of consequences. In addition, detection of abuse among people with limited or reduced capacity as a result of factors such as Alzheimer's disease or other forms of dementia may be more complicated by the difficulty they have in articulating the need for support.

¹⁹ Silvia Perel-Levin, "Abuse, neglect and violence against older persons", presentation made to the Social Forum, Geneva, 2 April 2014. Available from www.ohchr.org/EN/Issues/Poverty/SForum/Pages/StatementsSForum2014.aspx.

²⁰ Claudia García-Moreno and others, "WHO multi-country study on women's health and domestic violence against women: initial results on prevalence, health outcomes and women's responses" (WHO, Geneva, 2005). Available from www.who.int/gender/violence/who_multicountry_study/en/.

²¹ *Violence against Women: An EU-Wide Study* (Vienna, 2014). Available at http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results_en.pdf.

²² WHO, *A Global Response to Elder Abuse and Neglect: Building Primary Health Care Capacity to Deal with the Problem Worldwide* (Geneva, 2008). Available at www.who.int/ageing/publications/ELDER_DocAugust08.pdf.

48. According to a survey carried out by the European Union Agency for Fundamental Rights,²³ only one in three victims of partner violence and one in four victims of non-partner violence report their most recent serious incident. Victims of partner violence often experience several incidents of abuse by the partner before they report an incident. It has been suggested that further study of patterns of non-reporting, as well as the behaviour of perpetrators, may offer insights as to how to encourage reporting, improve responses to women as victims and ensure that sufficient resources are available for targeted victim support.

49. Reporting patterns of neglect, abuse and violence vary among Member States. Research carried out in the States members of the European Union reveal that variations in prevalence rates for violence against women, including older women, at the country level can be explained by the level of cultural acceptance of talking about experiences; gender inequality, leading to the levels of disclosure; and the exposure of risk factors such as employment, socialization and lifestyle patterns. Exploring the variations in crime levels among countries and assessing behavioural aspects can add to the understanding of the different levels of violence reported.²³

F. Risk factors

50. Reliable national and international data would also allow for a better identification of risk factors.

51. Age and gender are two major risk factors for abuse, while care dependency is an additional risk factor for neglect. Different theoretical frameworks emphasize varying risk factors, such as stress associated with caring for an older person; dependency; intergenerational transmission of violence; and inter-familial violence.

52. At the individual level, evidence indicates that mental health, in particular dementia, is a significant risk factor in becoming a victim of neglect, abuse and violence.¹⁶ Risk factors also include the dependence of the perpetrator on the victim, whereas social isolation is a risk factor at the community level. Mental health problems, previous violent behaviours and substance misuse are main risk factors for perpetrators.¹⁶ Risk factors for financial abuse can vary from borrowing a future inheritance, as reported in African and Asian countries, to situations in which adult children register their parents in retirement homes to gain control over their affairs, finances and property, as reported in European countries.²⁴

53. At the societal level, cultural and attitudinal factors approving the use of violence, ageism and sexism, particularly cultural values and social systems, may also disadvantage older women. Risk factors differ from region to region and vary depending on the type of abuse. In Africa, poverty is a key factor for the mistreatment of women in general. In Asia, experts report that the growing informal economy and rising unemployment rates impact on older women, making them vulnerable to poverty; this applies especially to those residing in rural areas where access to transportation, water resources and health care is limited or absent. There have also been reports of cases where older women were forced out of their homes and from their land to enable urban expansion.²⁴ In some instances, immigrant

²³ *Violence against Women: An EU-Wide Study*. The study was based on face-to-face interviews with 42,000 women, including women up to the age of 74 years.

²⁴ Expert Group Meeting on Neglect, Violence and Abuse, New York, 5-7 November 2013.

populations of older women are particularly at risk of neglect, abuse and violence owing to communication barriers.²⁴

G. Prevention strategies and recommendations

54. So far, the variety of research findings has made it difficult to formulate coherent, evidence-based policies and targeted intervention programmes and to allocate resources.¹⁵ No nationally uniform response systems and/or strategies are in place to date. Different sets of prevention programmes and initiatives exist across sectors and can be found within the health and mental health areas, often in the form of training of workers in health, institutional or care settings, and in the social service, criminal justice and housing sectors.¹⁶ These initiatives may not target older women specifically but they constitute part of a broader campaign to prevent intimate partner violence, domestic violence and ageism, or to promote community health.

55. While some Member States have begun to address the problem, a more harmonized and uniform approach to the prevention of abuse and protection of older women at the national and local levels, as well as throughout the United Nations system, is needed. In this context, the need to broaden the current knowledge base and to take steps towards drafting global definitions and guidelines are critical.

IV. Updated information on major recent regional policy developments, civil society initiatives and publications

A. Regional policy developments

56. As mentioned in paragraph 20 above, the Council of Europe adopted, in February 2014, a non-binding recommendation on the rights of older persons, which is grounded in existing provisions such as the European Convention on Human Rights and Fundamental Freedoms and the European Social Charter. The preamble of the recommendation notes that existing international human rights standards apply to persons at all stages of life and form an adequate normative framework for the protection of the human rights of older persons, and that additional efforts are needed, however, to address protection gaps from insufficient implementation of existing laws.

57. The recommendation covers the areas of non-discrimination, autonomy and participation in decision-making, protection against violence and abuse, social protection and employment, appropriate and affordable health care and access to justice, which includes the conditions of detention. The recommendation also provides illustrations of good practice, some based on legislation and others on policy and programmes.

58. In addition to the cited examples of the legislative action taken to prevent age discrimination in several European Union countries, such as the United Kingdom and Sweden, the recommendation also covers protection from abuse and violence in all settings and calls upon member States to focus on awareness-raising measures to protect older persons from financial abuse, including deception and fraud. Also stressed is the need for measures to raise awareness among personnel and informal carers in order to detect and report instances of abuse, to carry out effective

investigations of claims of violence and abuse and to provide appropriate help and support to victims. Examples of good practice cited include the establishment in Belgium, the Czech Republic, Finland and France of helplines to report abuse; individual criminal background checks in the United Kingdom for employers and volunteer organizations to screen individuals prior to their work with older persons; and various awareness-raising campaigns, protocols, guidelines and training programmes to help people recognize and/or prevent instances of abuse.

59. In the area of autonomy and participation, the recommendation addresses issues surrounding autonomous decision-making, such as legal capacity, protective measures and respect for dignity and privacy. Among the recent good practices cited are the implementation and/or adoption by Belgium and the Czech Republic in 2014 of new legislation that reforms restrictions to legal capacity, allowing older persons to benefit from assistance or representation.

60. The African Union Conference of Ministers of Social Development, at its fourth session held in Addis Ababa in May 2014, approved the draft Protocol to the African Charter on Human and Peoples' Rights, concerning the rights of older persons in Africa, which will be forwarded to the Assembly of Heads of State and Government of the African Union for adoption and signature. The Protocol would see States parties include in national law the United Nations Principles on Older Persons,²⁵ which deal with independence, participation, care, self-fulfilment and dignity, and ensure that they become legally binding as the basis for protecting the rights of older persons. Articles of the Protocol cover, inter alia, the elimination of discrimination, access to justice and equal protection before the law, the right to make decisions, protection against discrimination in employment, social protection, protection from abuse and harmful traditional practices, protection of older women, care and support, residential care, support for the care of vulnerable children, protection of older persons with disabilities, protection of older persons in situations of conflict and disaster, access to health services, access to education and information, participation in programmes and recreational activities, access to infrastructure, and access to credit.

B. *World Social Protection Report 2014/15*

61. The *World Social Protection Report 2014/15*, published by the International Labour Organization in June 2014, contains a chapter on social protection for older women and men.²⁶ The report emphasizes that social protection plays an increasing role in ensuring income security in old age in many countries. Worldwide, 51.5 per cent of the population above the statutory pensionable age were in receipt of an old-age pension in 2010/12. However, significant discrepancies continue to exist in coverage in the developing world. Coverage is the highest in Latin America and Asia, where 56.1 per cent and 47.0 per cent of older persons received an old age pension, respectively. Coverage remains significantly lower in North Africa (36.7 per cent), the Middle East (29.5 per cent) and even more so in sub-Saharan Africa (16.9 per cent).

²⁵ General Assembly resolution 46/91, annex.

²⁶ International Labour Organization, *World Social Protection Report 2014/15: Building Economic Recovery, Inclusive Development and Social Justice* (Geneva, 2014), chap. 4.

62. Recent progress is reflected in the increase in the number of countries that have reached coverage of more than 90 per cent of the population above statutory pensionable age: 45 countries in 2010/12, up from 34 in 2000. Also, the number of countries where less than 20 per cent of the older population received a pension decreased from 73 to 57 between 2000 and 2010/12.

63. According to the report, coverage rates for contributory schemes are lower, often significantly so, for women than for men, a situation that results from women's lower labour force participation, the large number of women working as self-employed or unpaid family workers, and the fact that women have shorter and interrupted careers. On the positive side, the report notes that discriminatory provisions, such as statutory pensionable ages that are lower for women than for men, are in the process of being eliminated — although it remains the case in 52 countries²⁷ — while more countries are crediting pension accounts during maternity and parental leave.

64. The report also stresses that income security in old age depends on the accessibility and affordability of such social services as health care and long-term care. Besides ensuring good health, access to health care plays a critical role in protecting older persons against health-related poverty.

65. While acknowledging the progress made during the first decade of the present century, the report cautions that while nearly one half of the world's population over pensionable age currently receive a pension, pension levels for those who do receive one often fall short of providing income security. The report also notes that, under existing provisions, only 42 per cent of the working population may expect to receive an old-age pension in the future.

66. The findings of the report suggest that, without addressing the issue of expanded and adequate old-age income security and related social and health services for older persons, the post-2015 sustainable development goals aimed at reducing or eliminating poverty will remain elusive and there could in fact be a rise in poverty rates among the growing numbers of older persons in all parts of the world.

C. Palliative care

67. On 24 May 2014, the Sixty-seventh World Health Assembly adopted resolution WHA67.19, on strengthening of palliative care as a component of comprehensive care throughout the life course. In the resolution, the first on the topic, the World Health Assembly recognized that palliative care is fundamental to improving the quality of life, well-being, comfort and human dignity of patients and, *inter alia*, foresaw the increased need for palliative care with ageing populations and the rise of non-communicable and other chronic diseases worldwide. The Assembly also acknowledged the current limited availability of palliative care services in much of the world and urged Member States to implement and monitor cost-effective and equitable palliative care actions with emphasis on primary care, community and home-based care, and universal coverage schemes.²⁸

²⁷ Ibid., annex IV, table B.6.

²⁸ The issue of palliative care as a public health and human rights issue was discussed at the sessions of the Open-ended Working Group in 2012 and 2013 and in the report of the Secretary-General to the Commission for Social Development at its fifty-second session (E/CN.5/2014/4), under the heading "Emerging challenges in the provision of health care".

D. Development in measuring the well-being of older persons

68. The lack of age-disaggregated data to measure the social and economic well-being of older persons has long been considered a main reason for the lack of attention to and knowledge of the life circumstances of older persons within the framework of national development strategies and programmes in developing countries. Against this background, HelpAge International, with the financial support of the United Nations Population Fund, has engaged in the construction of the Global Age Watch Index. The Index, launched on the International Day of Older Persons in 2013, is aimed at providing policymakers and other stakeholders with policy-oriented research and analysis tools that will also facilitate cross-national comparison. The Index attempts to capture the core challenges presented by an ageing population, from ensuring income security and good health care to fighting age-based discrimination. The statistical indicators included in the Index were assembled from internationally comparable data sources and largely reflect the views of older persons themselves on well-being, coping capacity or enabling features of communities (see table 2). HelpAge has been able to compile data for 91 countries to date and plans to monitor progress and expand the Index, as and when more data become available.

Table 2
Global Age Watch Index domains and indicators

<i>Domain</i>	<i>Indicators</i>
Income security	Pension coverage Poverty rate in old age Consumption/income of the population 60 years and over as a share of the total population consumption/income
Health status	Life expectancy and health life expectancy at age 60 Self-assessed mental health
Education	Percentage of the population aged 60+ with secondary or higher education
Enabling environment	Existing social support network (family, friends) Feeling safe at night Sense of civic freedom Level of satisfaction with public transportation

Source: HelpAge International, Global Age Watch Index 2013.

V. Conclusions and recommendations

69. While some Member States have begun to address neglect, violence and abuse against older persons, and in particular older women, a more harmonized and universal approach to abuse prevention and protection of older women is needed. Broadening the current knowledge base and taking steps towards drafting global definitions and guidelines have been identified as critical by experts and

practitioners. Equally important is for Member States to introduce and implement comprehensive measures to prevent and respond to neglect, violence and abuse against older persons and to make violence against older women an integral part of the combating violence against women agenda.

70. The lack of explicit reference to age in anti-discrimination instruments and legislation, be it at the international or national level, has been identified as undermining the protection and promotion of the rights of older persons. Addressing the specifics of age-related discrimination beyond employment and occupation, as well as the forms of multiple discrimination directed towards older persons, should also be considered a priority.

71. The General Assembly may wish to recommend that Member States:

(a) **Consider developing an explicit reference and policy framework for addressing neglect, violence and abuse against older persons;**

(b) **Make violence against older women an integral part of the global campaign on violence against women;**

(c) **Make explicit reference to age in their national anti-discrimination legislation and take effective measures to prevent forms of multiple discrimination against older persons.**